

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Biofer S.p.A.,

Plaintiff,

v.

Vifor (International) AG.,

Defendant.

No. 1:22-cv-02180-AMD-SJB

**DECLARATION OF SANYA  
SUKDUANG IN SUPPORT OF  
RESPONSE TO BIOFER'S  
MOTION TO COMPEL**

I, Sanya Sukduang, declare as follows:

1. I am a partner in the law firm Cooley LLP, counsel of record for Defendant Vifor (International) AG ("Vifor") in the above referenced matter. I am licensed to practice in the District of Columbia and before the United States Patent and Trademark Office, and I am admitted to appear *pro hac vice* in the above referenced matter. I have personal knowledge of the matters set forth herein. I make this declaration in support of Vifor's Motion to Compel.

2. Attached as **Exhibit 1** is a true and correct copy of Description of Manufacturing Process and Process Controls produced in this litigation, labeled VIFOR\_00021626–VIFOR\_00021633 and designated as Highly Confidential, filed under seal.

3. Attached as **Exhibit 2** is a true and correct copy of a certified translated version of Vifor's batch record for batch 518111M produced in this litigation, labeled VIFOR\_00056862–VIFOR\_00056910 and designated as Highly Confidential, filed under seal.

4. Attached as **Exhibit 3** is a true and correct copy of Vifor's Third Supplemental Objections and Responses to Plaintiff's First Set of Interrogatories (Nos. 1, 4), dated August 10, 2023, filed under seal.

5. Attached as **Exhibit 4** is a true and correct copy of Vifor's First Supplemental Objections and Responses to Plaintiff's Third Set of Interrogatories (Nos. 8–9), dated August 10, 2023, filed under seal.

6. Attached as **Exhibit 5** is a true and correct copy of Vifor's Objections and Responses to Plaintiff's Fourth Set of Interrogatories (Nos. 10–11), dated November 27, 2023, filed under seal.

7. Attached as **Exhibit 6** is a true and correct copy of Vifor's oxidation data graph produced in this litigation, labeled VIFOR\_00053685 and designated Highly Confidential, filed under seal.

8. Attached as **Exhibit 7** is a true and correct copy of Vifor's oxidation data graph produced in this litigation, labeled VIFOR\_00053705 and designated Highly Confidential, filed under seal.

9. Attached as **Exhibit 8** is a true and correct copy of a certified translated version of Vifor's 291 Standard Operating Procedure produced in this litigation, labeled VIFOR\_00057064–VIFOR\_00057089 and designated as Highly Confidential, filed under seal.

10. Attached as **Exhibit 9** is a true and correct copy of U.S. Patent No. 8,759,320 B2, issued June 24, 2014 to Stefania Sacchi, Mauro Montorsi, and Egidio Marchi.

11. Attached as **Exhibit 10** is a true and correct copy of the Transcript from the July 27, 2023 Deposition of Allen S. Myerson, Ph.D., in *Biofer S.p.A. v. Vifor (International) AG*, 1:22-CV-02180-AMD-SJB.

12. Attached as **Exhibit 11** is a true and correct copy of Vifor's batch record for batch 518111M produced in this litigation, labeled VIFOR\_00002880–VIFOR\_00002927 and designated as Highly Confidential, filed under seal.

13. Attached as **Exhibit 12** is a true and correct copy of Vifor's 291 Standard Operating Procedure produced in this litigation, labeled VIFOR\_00014823–VIFOR\_00014847 and designated as Highly Confidential, filed under seal.

Dated: December 6, 2023

By: /s/ Sanya Sukduang

Sanya Sukduang (*pro hac vice*)  
COOLEY LLP  
1299 Pennsylvania Ave., NW, Ste. 700  
Washington, DC 20004  
Tel: (202) 842-7800  
ssukduang@cooley.com

Tiana Demas (NY 4210472)  
COOLEY LLP  
55 Hudson Yards  
New York, NY 10001-2157  
Tel: (212) 479-6560  
tdemas@cooley.com

Jonathan R. Davies (*pro hac vice*)  
Bonnie Fletcher Price (*pro hac vice*)  
COOLEY LLP  
1299 Pennsylvania Ave., NW, Ste. 700  
Washington, DC 20004  
Tel: (202) 842-7800  
jdavies@cooley.com  
bfletcherprice@cooley.com

*Attorneys for Defendant Vifor (International)  
AG*